

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ZACHARY JACKSON, :
: :
Petitioner, : :
: :
vs. : : OPINION AND ORDER
: : [Resolving Doc. 1]
JEFFREY B. NOBLE, :
Warden, London Correctional :
Institution, :
: :
Respondent. : :
: :

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On January 16, 2018, Petitioner Zachary Jackson, an Ohio inmate serving an 11-year aggregate sentence for rape, domestic violence, burglary, aggravated burglary, and violating a protection order, petitioned this court for federal habeas corpus relief under 28 U.S.C. § 2254.¹ Petitioner argued only that his convictions were against the manifest weight of the evidence.² The Court referred the matter to Magistrate Judge David A. Ruiz.

On September 15, 2020, Magistrate Judge Ruiz issued a Report and Recommendation (“R&R”) recommending Petitioner Jackson be denied § 2254 relief after finding that Petitioner Jackson’s manifest weight claim was based on state law and thus was not cognizable on federal habeas review.³ Alternatively, Magistrate Judge Ruiz construed Petitioner Jackson’s claim as a cognizable sufficiency of the evidence claim and rejected it

¹ Doc. 1.

² *Id.*

³ Doc. 15.

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on the merits.⁴ Objections to that R&R were due by September 29, 2020.⁵ Petitioner Jackson filed no objections.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of an R&R to which the parties have made an objection.⁶ Failure to timely object waives a party's right to appeal the magistrate's report.⁷ Where a party does not object to the R&R, a district court may adopt it without review.⁸

Additionally, this Court has examined the petition and the return and finds Jackson's habeas petition fails.

Accordingly, in light of Petitioner Jackson's decision not to object to the R&R in this case, the Court **ADOPTS** Magistrate Judge Ruiz's R&R, incorporates it as if fully restated herein, and **DENIES** Petitioner Jackson's § 2254 habeas petition.

IT IS SO ORDERED.

Dated: February 17, 2021

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁴ *Id.*

⁵ *Id.*

⁶ 28 U.S.C. § 636(b)(1).

⁷ *Thomas v. Arn*, 474 U.S. 140, 154 (1985); *Gerth v. Warden, Allen Oakwood Corr. Inst.*, 938 F.3d 821, 827 (6th Cir. 2019).

⁸ See *Thomas*, 474 U.S. at 149–50.